

THE
PROPOSALS
 FOR
IRISH Forfeitures
 CONSIDER'D,

With Regard to LAW and GOOD CONSCIENCE.

THE Forfeitures of *Ireland* being now propos'd as a Security to raise a Million of Money on towards the Charge of the War, 'twill be necessary to enquire more near into the Value of the said Forfeitures, rather than depend altogether upon a Notional Calculation made by the Proposer, (who contents himself in framing his Project with Numbers of Imaginary Acres without any regard to the nature of a Forfeiture, or the Laws establish'd) for that a disappointment in a matter of this kind may prove of Ill Consequence to the Publick; which he and his Party don't so much seem to consider, as their own particular Gain, and the Destruction of Innocents, Widows, and Orphans, who have suffer'd but too much already.

The Proposer brings the People of *Ireland* under Two Heads, that is to say, *English*, and *Irish*; the Possessions of the latter he would have entirely Forfeited, and brings every Eftated *Roman* Catholick of that Kingdom under that denomination, and thence wou'd he insinuate them to be different from the *English* in Temper, and Interest, nay, that they have an innate prejudice and hatred to them. Thus by false and malicious Suggestions wou'd he carry on a design to strip, and ruin a Body of *English* People, because of a different persuasion from himself; for that the Eftated Men of *Ireland* (to a very few) are descended of Ancient *English* Families, who at the expence of their Blood first Conquer'd that Kingdom, brought it under the Subjection of the Crown of *England*, and continued it so ever since. The *English* who plant in *America* may with as much reason be call'd *Indians*, and for that alone have their Fortunes and Estates taken from them.

It is therefore hop'd that the Wise, and Just Senate, the Parliament of *England*, will consider their Countrey-men (tho' in a distinct Kingdom) under their present unfortunate Circumstances, without any prepossessions of prejudice, and take their Case justly as 'tis.

King *James* having gone for *Ireland* on the Late Revolution, some of the Catholicks there were concern'd in his Army, and some not; of those concern'd in the Army some submitted to the present Government on Articles, others chose to follow him; these are intitled to no favour from that Power to which they refus'd to submit, and of consequence their Estates justly to be Forfeited.

But as to the Article-Men publick Faith ought to stand good, besides, he was their only known Master, and to whom, as their King, they had promised Faith, and Sworn Allegiance. Then let any impartial Man make the case his own, and seriously examine if at the expence of his Conscience he wou'd refuse performing the Duty of a Subject to his Sovereign when requir'd to it? Must it not then necessarily follow that they acted but the part of Subjects, or at least, the Proposer must maintain that the tyes of Faith and Allegiance are of no force, and may be broke with their present Majesties in case of a Foreign Invasion, which is a Doctrine no good Subject will allow of.

These People have now submitted on a solemn Capitulation, and are become Subjects, is it not therefore reasonable they should have the benefit of the same, and be receiv'd

ceiv'd into the protection of the Laws, when as by the implacable malice of the Proposers Party, one third of those compriz'd in the said Capitulation are not admitted to enjoy their Estates, and Fortunes, as 'twas stipulated.

As to them, who were not concern'd in King *Jamer's* Army; some for order, decency, and security in the Commonweal had and took, Civil Employments, to prevent the mischief a multitude, or populace is capable of, these he wou'd have Forfeiting Persons too.

Others were no way concern'd, more than in Tilling their Ground, and following their lawful Occupations, yet can they not escape this Proposer's heavy stroke, but that they must likewise Forfeit.

In fine, so 'twas order'd, That all the *Roman* Catholicks of the Kingdom, that had any Estate of Freehold, or Lease, to the number of Four Thousand stand now Outlaw'd of High Treason, save some few, who thro' their Majesties Grace and Favour have procur'd Orders to Reverse the same.

'Tis out of these Persons Estates, (without regard to Law, either Humane, or Divine) that this Projector wou'd extract his Fund for the Million of Money.

And to that end computes a Million of Acres to be Forfeited, (making his clip'd allowance for the Article-Men) which with the help of Forfeited (or so suppos'd) Tythes, Fairs, Markets, Woods, &c. if valued at 2 s. the Acre *per Annum*, makes up 100000 l. and that at Ten Years Purchase brings in a Million.

This Calculation granted, (tho' false in this, as in other instances, viz. for that *Lit-teries* by the Act of Settlement, as such, were restor'd to no Acres) yet there is no allowance made for such of these Lands, as are fallen in so great a tract of time to Protestant Heirs, sold, or Leas'd to Protestants for Chieferees, or some small Rents, besides the heavy Incumbrances due to the Protestant Creditors, (of which there are but very few Catholicks Estates free) will never be ballanced by Forfeited Incumbrances, as he suggests. Then he destroys all Remainders, and Settlements, by supposing the Parties interest'd all guilty of Rebellion, and probably many of them Protestants, and Infants.

The Commissioners of the Revenue in *Ireland* have brought these Forfeitures to a greater certainty, than an airy Calculation can be suppos'd to do, those of them in this Kingdom at present can give an estimate of what they amount to, and out of this two thirds of the Article-Men, not yet restor'd, are to be satisfied; so that 'tis plain this expedient (tho' 'twere practicable by Law) answers not with any certainty the end propos'd.

However the Proposer and his Adherents makes sure of what they aim at first, to secure all these Lands in Fee-farm to themselves at an easie Rent, then to exterminate a People, who they have but too much injur'd, and leave the Million as a Consequence to happen, or not happen.

If these Gentlemen did but offer to their Majesties a Million of Money for the present Exigency of Affairs out of the 4560037 Acres, they now possess, and which they got at small, or no Rates, with the large Purchases made by them these Thirty odd Years past; (and that may justly be computed at much above a Million more) 'twou'd be some proof that this Project of theirs was meant for the Publick Good, but to be thus Generous at other Mens Expence, and that with so great a regard to themselves, shews but too plain the Design to be set on foot for their own particular Interests.

It is evident that a Covetous Man is not to be satisfied, for these very Persons (whose Fathers, and many of themselves were Born to little or no Estates) are now possess'd of six parts in seven of a Fertile Rich Kingdom, and yet are not contented, but wou'd play the old Game over again; for that upon the Restoration of King *Charles* the Second they prevail'd to get an *Irish* Act of Parliament of their own forming, with such Qualifications on *Roman* Catholicks, that 'twas easier to pass the trial of *Ordial*, than to be judg'd Innocent by the said Conditions, by the several Clauses and Limitations of the said Act, they intitu'd themselves to the Estates of the very Persons, that Fought for the Crown, and never against it, and of such Infants and Orphans whose Fathers dyed for the King by seemingly involving them in a Conspiracy carried on by Sir *Phelim* O'Neill, and his Accomplices; they now wou'd finish at a blow what they left uncompleted, which may plainly appear by what he says was design'd by their late *Irish* Parliament, as if they had an undoubted Right to Enslave People.

Their Outlawries reach not only all the Living, but call the Buried out of their Graves, many being Outlawed after Death, a proceeding against Law, and Common Sense; for that by the same Rule any, or all the Families of *England* may be Outlawed

lawed since the Conquest; some were actually Prisoners in the Sheriffs Custody, and Outlawed by the Return made by the same Sheriff, and such as appear'd to stop the Process offer'd to be Try'd, yet were refus'd, or otherwise terrified; in short, 'twas the Estate committed the Treason, and not the Mau.

And because after long Solicitation and Importunity they find his Majesty will not recede from his Royal Promise as to the Articles, they seemingly consent the same may be confirm'd, but in Negative Terms, to the end, they may have room to cavil at, limit, and contrive the same at will and pleasure in the execution thereof; the few that have already been admitted to the benefit of the said Articles were not allow'd the Arrears due to them on their own Tenants, but oblig'd by Recognisance to Release the same, as also the November Rent growing due after the perfection of the said Articles, nor were they admitted to any Chattels real, (tho' the Fortunes of many consisted in no other Estate, and the Capitulation says positively they shall be restor'd to all their Estates, Rights, Titles, and Interests; by the very word (Estates) not only an Inheritance, or Freehold is signified, but also a Term for Years, a Statute Staple, Merchant, Elegit, or the like. *Cook's first Instit.* 345. a. Such is the favour (as he calls it) they met with on an Execution of the said Articles.

Now seeing that the Proposer graciously condescends, that the Article-Men may at one time or other receive the benefit of their Capitulation, whence must we have this Million of Acres? He tells you out of the Estates of the *Protestees*, that is to say, first, the Justice of Peace, the Sheriff, Judge, or any other in Civil Employments, (tho' by Commission before the Revolution;) truly 'tis a new sort of Forfeiture, that Men who out of a publick Spirit of distributing Justice, keeping of Peace in a Society, and preventing of Destruction in a Commonweal, shall Forfeit their Birthrights and Inheritances for the same.

But he finds you out of another sort of Men that after his way are yet more guilty, and that is the Honest Gentleman, who staid at home to look after his Tilling, his Grounds, and Estate; or otherwise followed his lawful Affairs, without being concern'd in Army or Civil Employment, the Lawyer that minded his Clients Interest, the Physician that took care of his Patient, the Merchant that attended his Market, and Business, and the Tradesman that look'd after his Shop, these are the Persons, he says, who must have committed deep Crimes in thought and imagination (for no other appears) and therefore must give all their Fortunes to make up the Calculators Fund, tho' they liv'd under the Faith of the Government by receiving publick Protections, and were not a little useful to the *English* Army, and are expressly within the King's Declaration of the 22th. of Feb. 1688.

If thus People living under the Laws of *England* must be stript of all, we ought no more to boast of Liberty, and Property, and what is practic'd to day in *Ireland* may hereafter serve as a Preident for the future. By the Law every Man is free, and Master of his Property, until he be prov'd guilty *par judicium parium suorum*, or flies from Justice. In the Case of *Ireland* there happens neither, therefore 'tis against Law, and *Magna Charta* expressly, to keep them out of their Rights: When it is evident by many Instances how well dispos'd the Government is to do all People Right, but their Majesties good Intentions in doing Justice to the Catholics of *Ireland* are wholly obviated by the practice of malevolent Persons, who by their Artificial Contrivances continue them Attainted, and of consequence are capable of no Grace, or Favour.

As to the Two and Fifty Rebellions mention'd by the Proposer to have been in *Ireland*, whether true, or false, is not at this time disputed; and what Countrey has been altogether free from such Misfortunes? But 'tis most certain that neither he, nor one of his Adherents, had any share in quelling these he mentions: 'Twas by those, and their Ancestors (whom he calls Forfeiting *Irish*) they were suppress'd, who fought for every Foot of Land they got there, and gain'd it Inch by Inch until they subdued the whole Countrey, and preserv'd it since for the Crown of *England*; and if in return of so much Fidelity they must now be destroy'd to make room for, or to gratifie these their Persecutors, 'twill be hereafter but a slender Encouragement for just and faithful Services.

He wou'd infer as a necessary Consequence from these Rebellions a prejudice and hatred to be ingrafted in those of *Ireland* against the *English* Nation, which in practice and experience is most notoriously false; nay, they liv'd after a most Neighbourly and Amicable manner during the last two Reigns, even with the Proposer's Friends, who had a little before taken most part of their Bread from them, by which it plainly appears,

pears, that 'tis the injur'd Man that forgets and remits the wrong, but never he that gives it : For who cou'd be better us'd than those of the Protestants, who staid in *Ireland* during these late Troubles ; did they pay extraordinary Taxes, or any thing more than the Catholics ? Nay, by all People in Employment they were rather favour'd than otherwise ? What might have been done by the Mobb, or Rapparees, was not in the power of Man to help ; yet all this Humanity and Justice would he attribute to the hopes King *James's* Officers had of getting Estates in *England* ; but the Gentleman is apt to mistake, and did not consider, that every Body well knows the People of *England* don't Forfeit their Estates on such easie terms ; however he allows in Fact that they were well us'd, and we are oblig'd to him for this one Truth.

If then all those black Rebellions, and false Reasonings don't prevail, he offers for a concluding, and stabbing stroke, That to make Forfeitures of these Estates by accriminating the Innocent, oppressing the Widow, and stripping the Orphan, is a sure Basis to Build on, and an infallible Mean whereby to preserve the Protestant Religion, by which he shews himself so little a Divine, that he is not commonly Moral, to imagine that any Religion should establish it self by a practice so contrary to what it teaches.

Then he desires that Sanguinary, and Penal Laws may be put into their hands, but it shou'd seem by their practice, that they need neither, who proceed so violently even against the Establish'd Laws, and regard so little Humanity, and the Laws of God ; for that the *Militia* of *Ireland*, since the Reduction of it by the Army, have under pretext of Rapparees, kill'd several Labouring-men, even at the Plough ; because they wanted opportunities during all the War to draw their Swords.

Another Expedient he thinks likewise Reasonable, which is, That a Pale may be made for Protestants ; and that the Catholics be removed from the Sea-side in all Parts. The *English* of which is, That where a Catholic shall happen to be restored to his own Inheritance, and the same prove to be good Land, it shall then be in the Power of any of them to transplant him to the top of a Mountain, and to seize on his Right, as being within their Verge. In short, 'tis to be wondred they do not sue for a Power and Liberty to impale them then too at will and pleasure ; for that they are in a Circumstance almost as bad, exposed daily to the Insults of their Neighbours, who at discretion may take from them the small Remnant they have left of any kind, and as being Out-law'd, have no Remedy for the same.

What state of Man can be more Miserable than this, or favour more of Bondage ? A thing in *England* so much detested. It is therefore hoped that these Instances will make impressions on every true *English-man's* heart, and that they will consider those of their own Nation, so as to prevent their being thus injured by a sort of Men, who have always fish'd in troubled Waters, and know not what 'tis to get, but by Rapin and Oppression.

It is to be presumed that these Catholics for being of that Persuasion are not to lose their Birth-rights. Wherefore it may reasonably be asked, why a Protestant living in *Ireland* under King *James*, or actually serving him either in a Military or Civil Employment, should be free under the Protection of the Laws, and safe in his Property ; when at the same time his *Roman Catholic* Neighbour, in equal Circumstances with him, shall forfeit all, and be proscribed ? This single Instance shews the Proceedings of those Men of *Ireland* to be plainly Partial and Unjust.

All this considered, and seriously reflected on, it may with Reason be hoped, and expected, That Their Majesties, and all those concerned in the Legislature, will no longer suffer, that Men shall thus be divested of their Properties, against the Laws of God and Man : That some certain Rules or Measures of Justice be put to them like other Subjects, and that all their Outlawries (a Yoak much more intolerable than Chains and Fetters) be reversed, they having done nothing to Forfeit the Protection of the Government since their Submission to it.

In Consideration of which, and to be delivered out of the Power of their bitter and insatiable Persecutors, the supposed Forfeiting Persons most Humbly, and willingly offer to Subscribe to any Tax that shall be thought fit, or reasonable to be given out of their Estates towards the Charge of the War, which in all probability will prove more effectual to the Government, than the Methods propos'd for Selling the said Estates, so much against Reason, Law, and good Conscience ; an Undertaking no considerate Man (both for his own, and the sake of his Posterity) will have a hand in.

F I N I S.